

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Fresno, California

Wednesday, September 22, 2004

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS
DEPARTMENT B - FRESNO

1. The following rulings are tentative. The matter will be called and the court's final ruling will generally be placed on the record at the end of the calendar. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Matters resolved without oral argument:

If the moving party has received a response or is aware of any reason, such as a settlement, that a timely opposition may not have been filed, the moving party must contact Marlene Verdialez, the Calendar Clerk, at (559) 498-7220 by 5:00 p.m. the day before the scheduled hearing.

Moving party shall submit an appropriate form of order. When the debtor's discharge has been entered, proposed orders for relief from stay must reflect that the motion is dismissed as to the debtor and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the court's intended ruling together with the proposed stipulation and order resolving the matter.

3. The court will not continue short cause evidentiary hearings scheduled below.

4. If a matter is denied without prejudice for any reason set forth below, the moving party shall file a new motion or objection to claim with a new docket control number. It may not simply re-notice the original motion.

10:00 A.M.

1. [04-15729](#)-A-7 LINDA D. BORBA

HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO APPEAR AT
MEETING OF CREDITORS SET
FOR 8/19/04 [[10](#)]

RESPONSE BY TRUSTEE

ADRIAN WILLIAMS/Atty. for dbt.
ROBERT HAWKINS, TRUSTEE

This OSC will be dropped from calendar at the request of the chapter 7 trustee.

4. [04-17080](#)-B-7 CHRISTINA I. PUGA

HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO FILE A MASTER
ADDRESS LIST IN COMPLIANCE
WITH LOCAL RULE 1007-1
[[5](#)]

PATRICIA CARRILLO/Atty. for dbt.

The court intends to dismiss this case without prejudice. No discharge will be entered. Pursuant to FRBP 1007(a), a complete and accurate creditor list must be filed with the petition. The failure of the debtor(s) to timely file a complete and accurate list of creditors in proper format in compliance with FRBP 1007(a) and this court's Local Rule 1007-1 and the Revised Guidelines for Preparation of Master Address Lists, Revised August 17, 1999, has prevented the court and/or trustee from giving proper notice of, *inter alia*, commencement of this case and the meeting of creditors in compliance with FRBP 2002 & 2003.

5. [04-15189](#)-B-7 RUBEN DAVID BARAJAS

HEARING - ORDER TO SHOW CAUSE
FOR FAILURE TO APPEAR AT
MEETING OF CREDITORS SET
FOR 8/19/04 [[10](#)]

9/8/04 DECLARATIONS OF RUBEN
BARAJAS, PETER BUNTING, AND
F. JOHN GIST

PETER BUNTING/Atty. for dbt.
ROBERT HAWKINS, TRUSTEE

RESPONSE BY TRUSTEE

The record reflects that the meeting of creditors has been concluded since the OSC was issued. The OSC shall be dropped from calendar. However, the time for any party in interest to file a complaint objecting to discharge or to determine dischargeability of certain debts is extended to 60 days after the conclusion of the meeting of creditors. The court will issue a minute order. No appearance is necessary.

6. [04-11700](#)-B-7 ALBERTO ORTIZ
AND ELVIA TORRES

HEARING - APPLICATION FOR
COMPENSATION:
ROBERT HAWKINS, TRUSTEE [[10](#)]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

7. [03-12710](#)-B-7 FELIPE MERCADO

HEARING - APPLICATION FOR
COMPENSATION:
BETH STRATTON, TRUSTEE [[8](#)]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

8. [02-10213](#)-B-7 BENNY LOPEZ

HEARING - APPLICATIONS FOR
COMPENSATION:
BETH STRATTON, TRUSTEE [[89](#)]
MICHELL OLEKSA, ATTY FOR TRST
[[83](#)]
GEORGE TAMBERI, ACCOUNTANT
[[86](#)]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

9. [04-10325](#)-B-7 DANIEL & DEBRA HERNANDEZ

HEARING - APPLICATION FOR
COMPENSATION:
ROBERT HAWKINS, TRUSTEE [[34](#)]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

10. [03-12331](#)-B-7 JOHN & CARLA WATKINS

HEARING - APPLICATION FOR
COMPENSATION:
ROBERT HAWKINS, TRUSTEE [[21](#)]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

11. [03-19033](#)-B-7 DAWN HERNANDEZ

HEARING - APPLICATION FOR
COMPENSATION:
SHERYL STRAIN, TRUSTEE [[27](#)]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

12. [03-61440](#)-B-7 RICHARD & WANDA ROGERS

HEARING - APPLICATION FOR
COMPENSATION:
SHERYL STRAIN, TRUSTEE [[64](#)]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

13. [03-18650](#)-B-7 MARGARITA BARBOZA

HEARING - APPLICATION FOR
COMPENSATION:
ROBERT HAWKINS, TRUSTEE [[25](#)]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

14. [03-60850](#)-B-7 TIMOTHY & JENNIFER HAWLEY

HEARING - APPLICATION FOR
COMPENSATION:
ROBERT HAWKINS, TRUSTEE [[19](#)]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

15. [04-10350](#)-B-7 OSCAR & CONSOLACION FERRER HEARING - APPLICATION FOR
COMPENSATION:
ROBERT HAWKINS, TRUSTEE [[22](#)]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

16. [01-60653](#)-B-7 FRANCISCO CALDERON HEARING - APPLICATIONS FOR
COMPENSATION:
SHERYL STRAIN, TRUSTEE [[48](#)]
ROBERT HAWKINS, ATTY FOR TRST
[[41](#)]
GEORGE A. TAMBERI, ACCOUNTANT
[[45](#)]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

17. [03-10757](#)-B-7 RUDY BALDERAS HEARING - APPLICATION FOR
COMPENSATION:
BETH STRATTON, TRUSTEE [[13](#)]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

18. [03-60858](#)-B-7 CONCEPCION BUONO HEARING - APPLICATION FOR
COMPENSATION:
ROBERT HAWKINS, TRUSTEE [[9](#)]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

19. [03-15284](#)-B-7 PATRICIA S. HOWARD HEARING - APPLICATIONS FOR
COMPENSATION:
BETH STRATTON, TRUSTEE [[37](#)]
JEFFREY WALL, ATTY FOR TRST
[[32](#)]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

20. [03-18099](#)-B-7 JULIAN & ALEJANDRA MADRIGAL HEARING - APPLICATION FOR
COMPENSATION:
BETH STRATTON, TRUSTEE [[18](#)]

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

10:30 A.M.

1. [04-11702](#)-B-7 BLADIMIR CAMERENA HEARING - MOTION TO COMPEL
RHT #1 AND ALICIA PASTOR
ROBERT HAWKINS CH. 7 TRUSTEE
[[10](#)]

ROBERT HAWKINS, TRUSTEE

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

3. [04-15522](#)-B-7 PAMELA & RICHARD AYALA HEARING - MOTION TO AVOID LIEN
RAH #2 OF ONYX ACCEPTANCE CORP.
DEBTORS [[9](#)]

WESLEY HAMMOND/Atty. for dbt.

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

7. [04-15545](#)-B-7 JOSEPH & DEANNA PASILLAS HEARING - MOTION FOR RELIEF
VVF #1 FROM STAY [[7](#)]
TRANSOUTH FINANCIAL CORP., VS.
NON-OPPOSITION BY DEBTORS

VINCENT FROUNJIAN/Atty. for mv.
GEOFFREY ADALIAN/Atty. for dbt.

The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

10. [04-15355](#)-B-7 SYLVIA J. POGUE HEARING - MOTION FOR RELIEF
VVF #1 FROM STAY [[7](#)]
TRANSOUTH FINANCIAL CORP., VS.

VINCENT FROUNJIAN/Atty. for mv.

The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

11. [00-19958](#)-B-7 CENTRAL VALLEY AIDS TEAM, HEARING - TRUSTEE'S MOTION
BMS #6 INC. FOR ORDER AUTHORIZING
JAMES SALVEN, CH. 7 TRUSTEE COMPROMISE OF CONTROVERSY
[[60](#)]

BETH STRATTON/Atty. for trst.

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

12. [03-60359](#)-B-7 SCOTT E. FLAX
BMS #1
FORD MOTOR CREDIT COMPANY, VS.

HEARING - MOTION FOR RELIEF
FROM STAY [[16](#)]

DISCHARGED 2/24/04

BETH STRATTON/Atty. for mv.

The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. The automatic stay shall be terminated for cause shown as to the Chapter 7 trustee, no timely opposition having been filed. The motion shall be dismissed as to the debtor(s), their discharge having been entered. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

18. [04-16284](#)-B-7 ROBERT C. ARROYO
RDB #1
ROSEMARY LANDIN, VS.

HEARING - MOTION FOR RELIEF
FROM STAY [[5](#)]

RICK BANKS/Atty. for mv.

The motion is denied without prejudice. The debtor was not served with the motion.

19. [02-19592](#)-B-7 DOUGLAS RALSTON AND
RHT #2 REBEKAH AYALA-RALSTON

HEARING - TRUSTEE'S MOTION
TO SELL PERSONAL PROPERTY
[[20](#)]

ROBERT HAWKINS, TRUSTEE

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

20. [04-12898](#)-B-7 MICHAEL E. TANNER
RHT #1

HEARING - TRUSTEE'S MOTION
TO SELL REAL PROPERTY INTEREST
[[9](#)]

ROBERT HAWKINS, TRUSTEE

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

21. [98-16798](#)-B-7 RAY & ARCELE HUTCHINS
ASW #4
DEBTORS

HEARING - MOTION TO AVOID
JUDICIAL LIEN OF MARINE
MIDLAND BANK N.A. [[39](#)]

ADRIAN WILLIAMS/Atty. for dbt.

The motion is denied without prejudice. The motion was not filed with supporting evidence to show that the subject property was claimed as exempt and that the subject lien impairs an exemption to which the debtors were entitled. The form and/or content of the notice do not comply with Local Rule 9014-1(d).

22.	98-16798 -B-7	RAY & ARCELE HUTCHINS	HEARING - MOTION TO AVOID
	ASW #5		JUDICIAL LIEN OF WELLS FARGO
	DEBTORS		BANK, N.A. [44]

ADRIAN WILLIAMS/Atty. for dbt.

The motion is denied without prejudice. The motion was not served in compliance with Federal Rule of Bankruptcy Procedure 7004(h) (FDIC Insured Depository). The form and/or content of the notice do not comply with Local Rule 9014-1(d).